



C. Earl Hunter, Commissioner

Promoting and protecting the health of the public and the environment.

May 20, 2010

CERTIFIED MAIL

91 7108 2133 3937 2127 4700

Mr. Daniel R. Moore, PG
MRR Sandhills, LLC
2005 Rolling Road
Greensboro, NC 27403

**RE: Draft Determinations of Need and Consistency
Proposed MRR Sandhills, LLC Class 3 Landfill
Location: 34°47'40.5" N, 79°45'14.5" W
Marlboro County**

Reference: *Consistency Determination / Proposed MRR Sandhills Regional Municipal Solid Waste (MSW) Landfill / Marlboro County* (Letter, King to Litton, 9/17/2009).

Dear Mr. Moore:

Pursuant to the requirements for Class Three Landfills detailed in Regulation 61-107.19, *Solid Waste Management: Solid Waste Landfills and Structural Fill*, the Department has received the following:

1. Documentation of control of the subject property and the above-referenced request for need and consistency determinations as required under R.61-107.19, Part I, Subpart D.1.a.;
2. A copy of the Notice of Intent to File a Permit Application for the proposed MRR Sandhills, LLC Class 3 Landfill, with documentation that it was published in *The Marlboro Herald-Advocate* in three consecutive editions (March 25, April 1, and April 8, 2010), as required under R.61-107.19, Part I, Subpart D.2.a.(1); and,
3. A list of all adjoining landowners of the proposed landfill who were mailed a copy of the Notice of Intent to File a Permit Application as required under R.61-107.19, Part I, Subpart D.2.a.(4).

The following draft determinations have been completed and are set for publication for public review and comment in accordance with R.61-107.19, Part I, Subpart D.2.b.(1).:

1. The proposed landfill has met the requirements of Regulation 61-107.17, *Solid Waste Management: Demonstration of Need*, and that the Department has determined the maximum yearly disposal rate to be 1,480,000 tons;

May 20, 2010

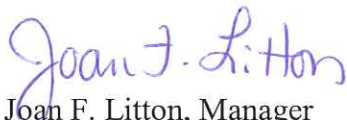
2. The proposed landfill is consistent with the State and 2001 Marlboro County solid waste management plans;
3. The proposed landfill has met the required 1,000-foot buffer to a residence, hospital, school, day-care center or publicly-owned recreational park area, as required by Regulation 61-107.19, Part V, Subpart B.258.18.a; and,
4. The proposed landfill expansion is not consistent with Marlboro County Ordinance # 545 (zoning ordinance) dated April 11, 2002.

Furthermore, as a consequence of the Department's finding that the landfill is not consistent with zoning, specifically Marlboro County Ordinance # 545, the Department's draft decision is that all requirements of the first phase of the permitting process have not been met. Therefore, should this draft decision become the Department's final decision, MRR Sandhills, LLC will not be allowed to proceed with the permitting process for this proposed facility.

The Department's public notice of the draft determinations and draft decision (enclosed) will be published in the *Marlboro Herald-Advocate* on Thursday, May 20, 2010. If you have any comments regarding these draft determinations and draft decision, please respond by Monday, June 21, 2010. If no comments are received, the final decision may be issued as written.

Should you have any questions, please contact me at (803) 896-4264.

Sincerely,



Joan F. Litton, Manager
Solid Waste Permitting Section
Division of Mining and Solid Waste Management
Bureau of Land and Waste Management

JFL/JMM/jmm

cc: Mr. Keith Collinsworth, P.G., Manager – BLWM, Solid Waste Groundwater Section
Mr. Robert C. Kimrey – Marlboro County Administrator
Ms. Jessica J.O. King, Esq. – Ellis, Lawhorne & Sims, PA
Mr. Keith Lane – BES, Region 4 EQC, Florence Office
Bureau File # 21209

PUBLIC NOTICE

SC DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

Notice of Draft Determinations and Draft Decision

Proposed Activity: A new Class 3 Landfill to be owned/operated by MRR Sandhills, LLC

Location: Landfill to be located on a portion of a 1,050 acre tract approximately 7 miles northeast of the Wallace community, in northern Marlboro County, bordered to the west by SC Highway 177 and bordered to the north by the North Carolina-South Carolina state line. Coordinates: Lat. 34°47'40.5" N, Long. 79°45'14.5" W

Draft Decision: MRR Sandhills, LLC will not be allowed to proceed with the permitting process for this proposed facility

The South Carolina Department of Health and Environmental Control's (SC DHEC) Solid Waste Permitting Section has received a request for Determinations of Need and Consistency from MRR Sandhills, LLC, for a proposed Class Three Landfill at the above-referenced location.

Pursuant to Regulation 61-107.19, *Solid Waste Management: Solid Waste Landfills and Structural Fill*, and prior to submittal of a permit application to the Department for a new Class Three Landfill, the following draft determinations have been completed by the Department and are ready for review:

1. That the proposed landfill has met the requirements of Regulation 61-107.17, *Solid Waste Management: Demonstration of Need*, and that the Department has determined the maximum yearly disposal rate to be 1,480,000 tons;
2. That the proposed landfill is consistent with the State and 2001 Marlboro County solid waste management plans;
3. That the proposed landfill meets the required 1,000-foot buffer to a residence, hospital, school, day-care center or publicly-owned recreational park area, as required by Regulation 61-107.19, Part V, Subpart B.258.18.a; and,
4. That the proposed landfill expansion is not consistent with Marlboro County Ordinance # 545 (zoning ordinance) dated April 11, 2002.

Furthermore, as a consequence of the Department's finding that the landfill is not consistent with zoning, specifically Marlboro County Ordinance # 545, the Department's draft decision is that all requirements of the first phase of the permitting process have not been met. Therefore, should this draft decision become the Department's final decision, MRR Sandhills, LLC will not be allowed to proceed with the permitting process for this proposed facility.

The public is hereby notified that the Department has prepared draft determinations and a draft decision for the proposed landfill indicated above and that the requests for determinations, supporting documentation, and the Department's Draft Determinations and Decision letter that was issued on May 20, 2010, may be reviewed on the Department's dedicated internet web page for the proposed landfill (<http://www.scdhec.gov/MarlboroLandfill>) or by appointment during normal working hours at the following locations:

SC DHEC / Bureau of Land and Waste Management
8911 Farrow Road
Columbia, SC 29203
(803) 896-4230
Solid Waste Contact: Ernell Hartwell

SC DHEC / Office of Environmental Quality Control
Region 4 – Florence Office
145 E. Cheves St.
Florence, SC 29506
(843) 661-4825
Solid Waste Contact: Keith Lane

Pursuant to Regulation 61-107.19, this type of facility is allowed to accept municipal solid waste, industrial solid waste, sewage sludge, non-hazardous municipal solid waste incinerator ash and other non-hazardous wastes. A copy of the regulation is available upon request, and may also be viewed on DHEC's website at <http://www.scdhec.gov/environment/lwm/regs/R61-107-19.pdf>.

Any interested person(s) may submit written comments concerning the Department's draft determinations and draft decision to this mailing address: Mr. Ernell Hartwell, BLWM, SCDHEC, 2600 Bull Street, Columbia, SC 29201. To be considered, all comments or requests should be received no later than 5:00 p.m. on Monday, June 21, 2010, at which time the public comment period will end.

Interested parties may also include a request for a public hearing. The Department will conduct a public hearing upon receipt of requests in writing by ten persons or by a governmental subdivision or agency or by an association having not less than ten members.

Any individuals with disabilities or special needs who want to review the draft determinations should contact Ernell Hartwell at (803) 896-4230 at least one week prior to the end of the public comment period to discuss any special services required.